

Approved, SCAO

Original - Court
1st copy - Garnishee
2nd copy - Defendant

3rd copy - Return (proof of service)
4th copy - Plaintiff/Attorney (proof)

• STATE OF MICHIGAN
JUDICIAL DISTRICT
3rd JUDICIAL CIRCUIT

REQUEST AND WRIT FOR GARNISHMENT
(NONPERIODIC)

• CASE NO.

03-327602-CD

Court address

• Zip code

2 Woodward Avenue, Detroit MI 48226

Court telephone no.

Plaintiff name and address (judgment creditor)

KENNETH SCIOTTI

Defendant name and address (judgment debtor)

36TH DISTRICT COURT
Constance Allen Esq
421 Madison St #4109
Detroit MI 48226 (313) 965-3082

• Social security no.

Account no.

36th District Court
City of Detroit

Garnishee name and address

ADP
16901 Michigan Ave
Dearborn MI 48126

REQUEST See instructions for item 2 on other side

1. Plaintiff received judgment against defendant for \$ 575,214.27 on 8/09/05 and 12/13/05
2. The total amount of judgment interest accrued to date is 187,710.00. The total amount of postjudgment costs accrued to date is _____. The total amount of postjudgment payments and credits made to date is 0.00. The amount of the unsatisfied judgment now due (including interest and costs) is • \$ 762,924.27
3. Plaintiff knows or with good reason believes that the garnishee is indebted to or possesses or controls property belonging to the defendant. For funding per statute of 36th Dist Ct by City of Detroit Finance Dept,
4. Plaintiff requests a writ of nonperiodic garnishment. Treasury Div., Central Disbursement Acct.

I declare that the statements above are true to the best of my information, knowledge, and belief.

1/9/09

JES
Plaintiff/Agent/Attorney signature

Date

WRIT OF GARNISHMENT

To be completed by the court. See other side for additional information and instructions.

TO THE PLAINTIFF: You must provide all copies of the disclosure form (MC 14), 2 copies of this writ for serving on the garnishee, and \$1.00 disclosure fee. You are responsible for having these documents served on the garnishee within 91 days. If the disclosure states that the garnishee holds property other than money belonging to the defendant, you must motion the court within 56 days after the disclosure is filed for an order to apply the property toward the judgment.

TO THE DEFENDANT:

1. Do not dispose of any negotiable instrument representing a debt of the garnishee or any negotiable instrument of title representing property in which you claim an interest held in the possession or control of the garnishee.
2. You have 14 days after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, the property or debt held under this writ may be applied to the judgment 28 days after this writ was mailed or delivered to the garnishee.

TO THE GARNISHEE:

1. Within 7 days after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last known address by first-class mail.
2. Deliver no tangible or intangible property and pay no obligation to the defendant unless allowed by statute or court rule.
3. Within 14 days after you are served with this writ, you must deliver or mail copies of your verified disclosure (form MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
4. If indebted to the defendant, you must withhold an amount not to exceed the amount of the judgment stated in item 2 of the request. Payment of withheld funds must be made 28 days after you are served with this writ unless notified that an objection has been filed.

You are ordered to make the payment withheld under this writ payable to

the plaintiff

the plaintiff's attorney

the court

and mail it to: the plaintiff

the plaintiff's attorney

the court.

5. If you hold property other than money belonging to the defendant, do not transfer it until further order of the court.

MAN 09 2013

APR 10 2013

Expiration date for service

Deputy court clerk

**REQUEST AND WRIT FOR
GARNISHMENT (NONPERIODIC)**
Case No. _____

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the garnishee with 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee, and file proof of service with the court clerk as directed by the plaintiff. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

OR

AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

I served 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee by:

personal service registered or certified mail (copy of return receipt attached) on:

Garnishee name	Complete address of service	Day, date, time

I have personally attempted to serve the writ of garnishment, a disclosure form, and the applicable fee on the garnishee and have been unable to complete service.

Garnishee name	Complete address of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Mileage fee \$	Total fee \$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date _____

My commission expires: _____ Signature: _____
Date _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee on

Day, date, time _____

on behalf of _____

Signature _____

MCR 2.105

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Plaintiff,

v

36TH DISTRICT COURT,

Defendant.

SCOTT E. COMBS (P37554)
Attorney for Plaintiff
27780 Novi Road, Suite 105
Novi, Michigan 48377-3427
(248) 380-5050

03-327602-CD 8/20/2003
JDG: ROBERT L ZIOLKOWSKI
SCIOTTI KEN
vs 
36TH DISTRICT COURT

CONSTANCE J. ALLEN (P30752)
Attorney for Defendant
421 Madison Avenue, Suite 4109
Detroit, Michigan 48226-2358
(313) 965-3082

JUDGMENT

At a session of said Court held

ON: AUG 09 2005

HON: ROBERT L. ZIOLKOWSKI
Circuit Court Judge

The above-entitled lawsuit was tried before this Court to a jury verdict which was rendered on July 14, 2005.

Pursuant to the verdict, Judgment is entered as follows:

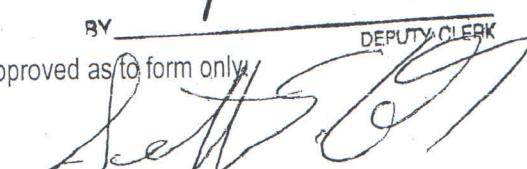
In favor of Ken Sciotti and against Defendant, 36th District Court for:

Economic damages to the present:	\$57,000.00
Economic damages in the future:	\$227,000.00
Non-economic damages to the present:	\$37,000.00
Non-economic damages in the future:	\$103,000.00

This Judgment confirms the verdict of the jury only. Defendant's Motion for JNOV and/or New Trial and

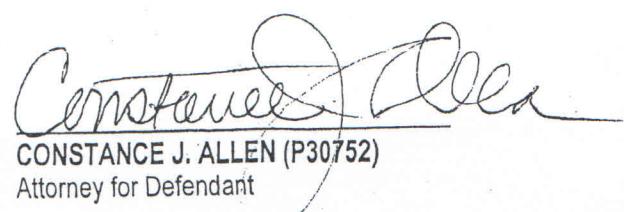
Plaintiff's Motion for Post-Judgment Costs and Attorney Fees remain pending before the Court.

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK


Approved as to form only


SCOTT E. COMBS (P37554)
Attorney for Plaintiff

ROBERT L. ZIOLKOWSKI
CIRCUIT COURT JUDGE


CONSTANCE J. ALLEN (P30752)
Attorney for Defendant

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Case No. 03 327602 NZ
HON. ROBERT ZIOLKOWSKI

Plaintiff,

-VS-

36TH DISTRICT COURT

Defendants.

SCOTT E. COMBS P37554
Attorney for Plaintiff
27780 Novi Road, Suite 105
Novi MI 48377
248/380-5050

CONSTANCE J ALLEN P30752
Attorney for Defendant 36th District Court
36th District Court
421 Madison Suite 4109
Detroit MI 48226
313/965-3082

ORDER RE JUDGMENT FOR STATUTORY COSTS AND ATTORNEY FEES

At a session of said Court, held

ON: DEC 13 2005

BEFORE: PAUL S. TERANES
CIRCUIT COURT JUDGE

Pursuant to plaintiff's motion for statutory costs and attorney fees under the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2802, and after argument, testimony and evidence being presented at motion hearing and an evidentiary hearing before this Honorable Court;

IT IS HEREBY ORDERED that Plaintiff's request for statutory costs and attorney fees under the ELCRA is hereby granted, and an award of costs, being \$2,439.27, and attorney fees in the amount of

\$148,775, totaling \$151,214.27

A TRUE COPY

CATHY M. GARRETT
WAYNE COUNTY CLERK

13-53846-tjt Doc 1196-2 Filed 10/15/13 Entered 10/15/13 18:37:15 Page 4 of 10

BY

Paul S. Teranes
DEPUTY CLERK

PAUL S. TERANES

CIRCUIT COURT JUDGE

Entered 10/15/13 18:37:15 Page 4 of 10

ROBERT L. ZIOLKOWSKI
Judge

Automatic Data Processing, Inc.
Corporate Headquarters
One ADP Boulevard
Roseland, New Jersey 07068-1728



Legal Department
Writer's Direct Dial Number
(973) 974-5291-Phone
(973) 974-3399-Fax

January 22, 2009

Via Federal Express

Clerk
3rd Judicial Circuit
2 Woodward Avenue
Detroit, MI 48226

Re: Request and Writ for Garnishment dated January 9, 2009
Kenneth Sciotti v. 36th District Court
Case No. 03-327602-CD

Dear Sir/Madam:

Enclosed please find executed Garnishee Disclosure submitted by ADP, Inc. ("ADP") in connection with the above-captioned matter.

Please be advised that by holding the tax monies described in the Garnishee Disclosure on behalf of City of Detroit (ADP Company Codes U1B and K3E), the City of Detroit may incur interest and penalties for late tax filing. ADP will not be liable for any penalties or interest assessed by the taxing authorities resulting from its complying with the above-captioned Garnishment.

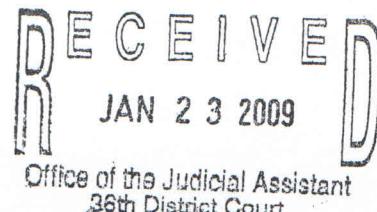
Please contact me if you have any questions.

Very truly yours,

Alice Quinn
Alice Quinn
Senior Legal Assistant

Enclosures

cc: Scott E. Combs, Esq. (w/encls.) (Via Fax & Federal Express)
Constance Allen, Esq. (w/encls.) Via Fax & Federal Express)



Approved: SCAO

Original -
1st copy - Plaintiff
2nd copy - Garnishee
3rd copy - Defendant

CASE NO.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	GARNISHEE DISCLOSURE	03-327602 CD
3rd Court address 2 Woodward Avenue, Detroit, MI 48226		Court telephone no. (313) 961-3100
Plaintiff's name, address, and telephone no. (judgment creditor) Kenneth Sciotti	Defendant's name, address, and telephone no. (judgment debtor) 36th District Court (313) 16 Constance Allen #4109 421 Madison Street, 4109 3100 Detroit, MI 48226	
Plaintiff's attorney, bar no., address, and telephone no. (248) Scott E. Combs 320-5650 27780 Novi Road Novi, MI 48377	Garnishee's name and address ADP, Inc. 16701 Michigan Ave Dearborn, MI 48126	

INSTRUCTIONS ON OTHER SIDE

1. This disclosure is for a writ of garnishment issued on 1-9-2009 and received by garnishee on 1-9-2009.
 a. The garnishee mailed or delivered a copy of the writ of garnishment to the defendant on 1-14-2009.
 b. The garnishee was unable to mail or deliver a copy of the writ of garnishment to the defendant.
2. At the time of service of the writ, the garnishee:
Nonperiodic Garnishments ADP is in possession of payroll mechanics. See
 a. Is not indebted to the defendant for wages, salary, or other amounts due or not payable or control of the defendant's property, money, etc.
Reason: 1/14/2009
 b. Is indebted to defendant for nonperiodic payments as follows:

Description of property, money, negotiable instruments, etc. under garnishee's control Type of account and account number if applicable
The amount to be withheld is \$ _____ and does not exceed the amount stated in item 2 of the writ.

c. Withholding is exempt because _____

Periodic Garnishments

d. Is not obligated to make periodic payments to the defendant during the 91-day period.

Reason: not employed. other _____

e. Is obligated to make periodic payments to the defendant during the 91-day period as follows.

Payments are for earnings. nonwinnings. specify nature of payments (See instructions on back)

Payments are made weekly. biweekly. semimonthly. monthly. other. specify frequency of payment

A higher priority writ/order is is not currently in effect. (If a higher priority writ/order is in effect, complete the following.)

Name of court that issued higher priority writ/order _____

Date issued _____

Date served _____

Withholding under this writ

will begin immediately if sufficient funds are available.

will not begin immediately because defendant is laid off. sick. on leave. other. specify

I declare that the statements above are true to the best of my information, knowledge, and belief.

1-22-2009

Susan L M' Gaffey
General Agent/Attorney signature

Date

I certify that:

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the court.

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the plaintiff/attorney.

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the defendant.

1-22-2009

Allie Dennis
General Agent/Attorney signature

Date

DO NOT FILE THIS FORM WITH THE COURT. IT IS FOR JUDICIAL ASSISTANT USE ONLY.

MC 14 (308) GARNISHEE DISCLOSURE

19 USC 1872, 19 USC 1873, MCR 3.101

RECEIVED
JAN 23 2009
Office of the Judicial Assistant
36th District Court

City of Detroit (ADP Company Code U1B)

ADP is holding:

State Income Tax monies of \$499.32

\$217.87 Detroit local

\$34.55 Detroit alternate local

State Income Tax is due to be deposited on 2/18/2009

Detroit local and Detroit alternate are due to be deposited on 2/20/2009

City of Detroit (ADP Company Code K3E)

ADP is holding:

State Income Tax monies \$61,595.19

\$27,154.20 Detroit local

\$6,341.69 Detroit alternate local

\$32.70 Highland local

State Income Tax is due to be deposited on 2/18/2009

Detroit local, Detroit alternate and Highland local is due to be deposited on 2/20/2009

R E C E I V E D
JAN 23 2009

Office of the Judicial Assistant
36th District Court

Approved: SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT		GARNIShee DISCLOSURE	CASE NO. 03-327602 CD
3rd Court address 2 Woodward Avenue, Detroit, MI 48226		Court telephone no. (313) 965-3100	
Plaintiff's name, address, and telephone no. (judgment creditor) Kenneth Sciotti		Defendant's name, address, and telephone no. (judgment debtor) 38th District Court 16 Constance Allen #4109 421 Madison Street, 4109 Detroit, MI 48226	
Plaintiff's attorney, bar no., address, and telephone no. (248) Scott E. Combs 380-5650 27780 Novi Road Novi, MI 48377		Garnishee's name and address ADP, Inc. 16701 Michigan Ave Dearborn, MI 48126	

SEE INSTRUCTIONS ON OTHER SIDE

1. This disclosure is for a writ of garnishment issued on 1-9-2009 and received by garnishee on 1-9-2009.
 a. The garnishee mailed or delivered a copy of the writ of garnishment to the defendant on 1-14-2009.
 b. The garnishee was unable to mail or deliver a copy of the writ of garnishment to the defendant.
2. At the time of service of the writ, the garnishee:

Nonperiodic Garnishments

a. Is not indebted to the defendant for money, or does not possess or control the defendant's property, money, etc.
Reason: ADP is in possession of payroll taxes monies. See Exhibit A

b. Is indebted to defendant for nonperiodic payments as follows:

Description of property, money, negotiable instruments, etc. under garnishee's control Type of account and account number if applicable
The amount to be withheld is \$ 5 and does not exceed the amount stated in Item 2 of the writ.

c. Withholding is exempt because:

Periodic Garnishments

d. Is not obligated to make periodic payments to the defendant during the 91-day period.

Reason: not employed. other

e. Is obligated to make periodic payments to the defendant during the 91-day period as follows.

Payments are for earnings. nonearnings Specify name of payment (see instructions on back)

Payments are made weekly. biweekly. semimonthly. monthly. other. Frequency of payment

A higher priority writ/order is not currently in effect. (If a higher priority writ/order is in effect, complete the following.)

Name of court that issued higher priority writ/order

Date issued

Date served

Withholding under this writ

will begin immediately if sufficient funds are available.

will not begin immediately because defendant is laid off. sick. on leave. other. Specify

I declare that the statements above are true to the best of my information, knowledge, and belief.

1-22-2009

Date

Susan L M'Fayne
Garnishee/Agent/Attorney signature

I certify that:

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the court.
on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the plaintiff/attorney.
on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the defendant.

1-22-2009

Date

Allie Dennis
Garnishee/Agent/Attorney signature

I DO HEREBY CERTIFY THAT YOU HAVE READ THIS FORM AND FULLY UNDERSTAND THE CONTENTS THEREIN, TO THE BEST OF MY KNOWLEDGE.

MC 14 (368) GARNISHEE DISCLOSURE

15 USC 1872, 15 USC 1873, MCR 3.101

RECEIVED
JAN 23 2009
Office of the Judicial Assistant
36th District Court

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Plaintiff,

03-327602-CD 8/20/2003

JDG: ROBERT L ZIOLKOWSKI

SCIOTTI KEN

vs 

36TH DISTRICT COURT

v
36TH DISTRICT COURT,

Defendants.

/

**Order RE: Defendant's Motion to Quash Writs, For Sanctions
And Enjoin Further Collection Actions**

At session of said Court held in the
CAYMC, In The County of Wayne,
City of Detroit, State of Michigan

ON: FEB 12 2009

PRESENT: ROBERT L. ZIOLKOWSKI

This matter having come before the Court on Plaintiff's Motion to Quash Writs,
for Sanctions and to Enjoin Further Collection Actions and the parties having appeared
before the Court on January 30, 2009,

IT IS HEREBY ORDERED THAT:

1. The Writs of Garnishment previously issued to ADP, Comerica and the City
Finance Department are hereby quashed as of January 30, 2009.
2. The subpoena to Thomas Clark for a creditor's examination is quashed.

3. The Court denies the request for sanctions.
4. The request for injunctive relief is denied at this time.

Date: _____

ROBERT L. ZIOLKOWSKI
Honorable Robert L. Ziolkowski
Circuit Judge

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK
BY *BAL* DEPUTY CLERK